

WRPS Consent Order Lessons Learned

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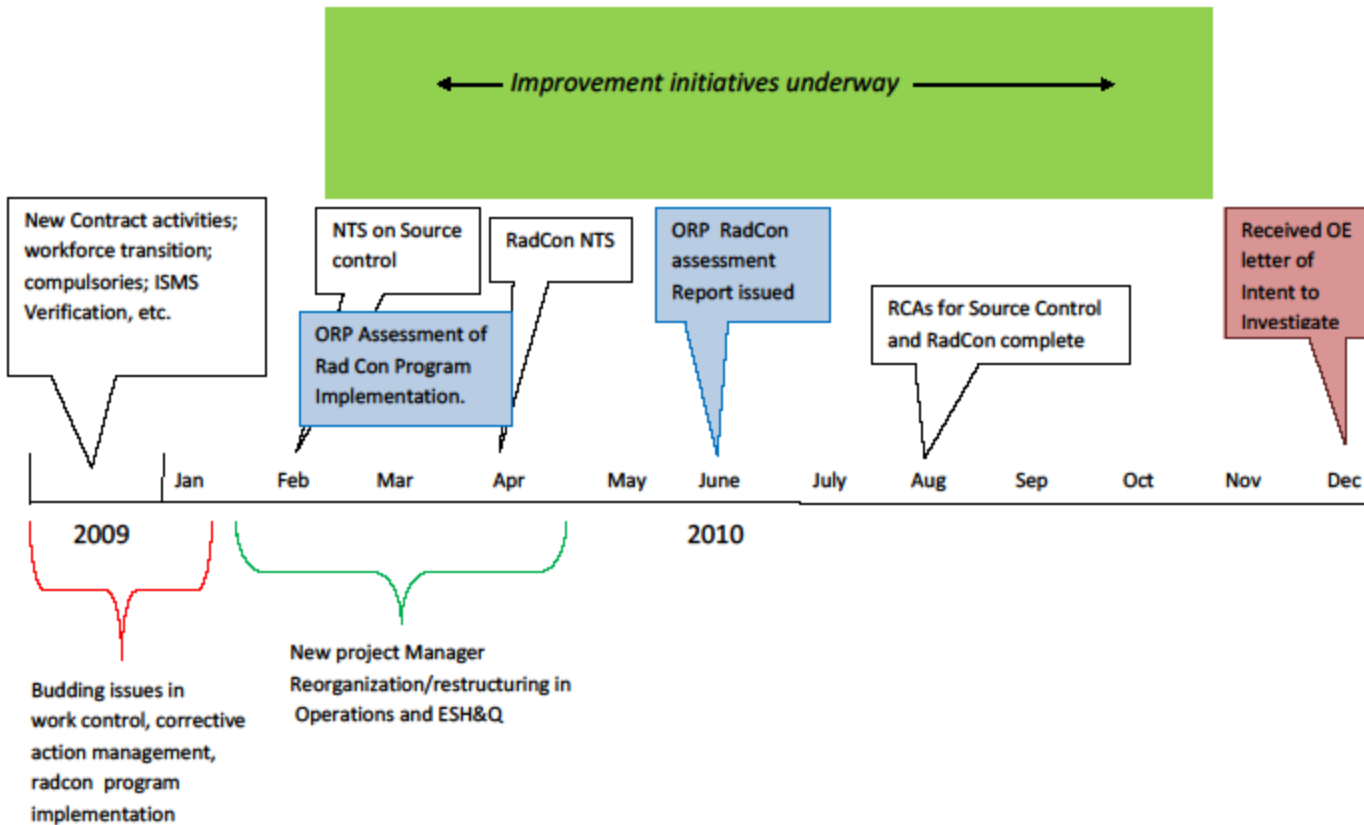
U.S. Department of Energy



Office of River Protection



Timeline of Events Leading to Consent Order



Segregated Costs

Once the letter is received, costs associated with response must be segregated

- A unique cost code was provided to PAAA Coordinator and involved managers
- If services of others were needed as the process evolved, they were provided with the cost code at the time of need.

Preparation of Response

- Discussion with Field Office (ORP)
 - Received recommendation to request Consent Order
- Called OE to tell them of intent to request a Consent Order
- Consulted Enforcement Process Overview and 10CFR820 to Determine Basis for Granting COs

Preparation of Response

Guidance From EPO and 10CFR820 Focused on Granting Consent Order Based on,

- Confidence in Sr. management
- Extensive investigation into the noncompliance by the contractor
- Comprehensive corrective action

WRPS decided to hit these three items as thoroughly as possible

Preparation of Response

Confidence in Sr. Management

- Immediately scheduled a meeting with OE and WRPS Project Manager and ESH&Q Manager
- Prepared a presentation on management understanding of the problem
 - What had already been done to correct
 - What more was planned and underway

Preparation of Response

Extensive Investigation into the noncompliance by the contractor and comprehensive corrective action

- Reviewed corrective actions from causal analyses, NTS Reports, internal and external assessments, improvement initiatives, etc.
- Assured that adequate evidence of completion existed (if not complete, not included)
- Included Performance Metrics that showed improvement

Request for Consent Order

The earlier the request for a Consent Order the better because of cost savings for both the contractor and OE

- Called OE and told them we would be requesting a Consent Order
- Preparation of the response required considerable time
- Responded within the allotted time requesting a Consent Order
- Letter included attachments listing all completed corrective actions for each noncompliance

Significance and Mitigation

- Sr. management explained some extenuating circumstances during first year but soon after improvement initiatives were put in place
- Reorganization and restructuring
- Improvement Plans
- Performance Metrics
- Concluded presentation with the following slide

Conclusion

- WRPS had begun a number of process and cultural improvements at the time these issues emerged
- WRPS has fully analyzed these issues and established broad and effective corrective actions
- Significant progress has been made and performance has improved
- Mechanisms are in place to fully achieve and sustain desired performance levels
- Longer-range improvement plans are in place and working in these and other key areas
- WRPS senior management is committed to ensuring these changes are successful
- Given these circumstances, WRPS requests a Consent Order

Success in Delivering the Message

- Maintained amicable dialogue with ORP and OE throughout the process
- Involved ORP from start to finish
- Provided comments on the draft Consent Order

Final Consent Order signed and issued in June 2011

Lessons Learned

If requesting a Consent Order, do exactly what the EPO recommends and do it with as much “gusto” as possible

- Get the Field Office on your side in requesting the Consent Order
- Request it early
- Call the OE within a few days of receiving the letter of intent to investigate

Lessons Learned

- Set up a meeting with OE and Sr. management
- Prepare a presentation that will be convincing that Sr. management understands the noncompliance and is capable and willing to manage it
- Review causal analysis for insights into the problem
- Compile a list(s) of complete and planned corrective actions and include as attachment(s) to the letter